

**United States Bankruptcy Court  
Northern District of Illinois, Eastern Division**

IN RE: Athanasios V Trakos

Chapter 13

Case No. 21 B 12758

Debtor(s)

Judge David D. Cleary

**Notice of Motion and Certificate of Service**

Athanasios V Trakos  
5003 N Oriole Ave.  
Harwood Heights, IL 60706

Debtor Attorney: Cutler & Associates Ltd  
via Clerk's ECF noticing procedures

On October 02, 2023 at 1:00 pm, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, either in Dirksen Federal Building, 219 S. Dearborn St, Courtroom 644, Chicago, IL 60604 or electronically as described below, and present this motion, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 161 122 6457 and the password is Cleary644. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

I certify under penalty of perjury that this office caused a copy of this notice and the attached motion to be delivered to the persons named above by U.S. mail or by the methods indicated on or before Saturday, September 16, 2023.

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE

Office of the Chapter 13 Trustee  
224 S Michigan Ave  
Ste 800  
Chicago, IL 60604  
(312) 431-1300

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**Motion to Dismiss for Material Default**

Comes now Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed pursuant to 11 U.S.C. §1307(c), and in support thereof respectfully states the following:

1. The Debtor filed for Chapter 13 relief on November 8, 2021.
2. The Debtor's plan was Confirmed on March 7, 2022.
3. The Debtor's confirmed plan requires the debtor to submit tax returns and refunds to the Trustee starting with tax year 2021.
4. The Debtor has failed to tender either the 2022 tax return(s) or refund.
5. The failure to tender the tax return and refund constitutes a material default of the Debtor's confirmed plan.

WHEREFORE, the Trustee prays that this case be dismissed, and for any and all other relief this Court deems just and proper.

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE

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